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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE EASTERN DISTRICT OF CALIFORNIA

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11   NICHOLAS VOVOS,   No. 2:21-CV-0837-KJM-DMC-P

12   Plaintiff,

13   v.   ORDER

14   D. MARTINEZ, et al.,

15   Defendants.

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17   Plaintiff, a prisoner proceeding pro se, brings this civil rights action under

18 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge as provided by

19 Eastern District of California local rules.

20   On September 8, 2021, the magistrate judge filed findings and recommendations,

21 which were served on the parties and which contained notice that the parties may file objections

22 within the time specified therein. No objections to the findings and recommendations have been

23 filed.

24   The court presumes that any findings of fact are correct. *See Orand v. United*

25 *States*, 602 F.2d 207, 208 (9th Cir. 1979). The magistrate judge's conclusions of law are

26 reviewed de novo. *See Robbins v. Carey*, 481 F.3d 1143, 1147 (9th Cir. 2007) ("[D]eterminations

27 of law by the magistrate judge are reviewed de novo by both the district court and [the appellate]

28 /////

1 court . . . ."). Having reviewed the file, the court finds the findings and recommendations to be

2 supported by the record and by the proper analysis.

3   Accordingly, IT IS HEREBY ORDERED that:

4   1.   The findings and recommendations filed September 8, 2021, are adopted in

5 full;

6   2.   This action shall proceed on plaintiff's first claim against defendant

7 Martinez;

8   3.   Plaintiff's second claim and all remaining defendants are dismissed for

9 failure to state a claim; and

10   4.   This matter is referred back to the assigned magistrate judge for all further

11 proceedings.

12 DATED: May 23, 2022.

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15 CHIEF UNITED STATES DISTRICT JUDGE

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